

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ELG, a minor by Parent and
Next Friend LATOREYA TILL,

Case No. 2:24-cv-12195
Hon. David M. Lawson

Plaintiff,

v.

JUDGE KENNETH KING,
individually; UNIVERSAL
PROTECTION SERVICES
d/b/a ALLIED UNIVERSAL
SECURITY SERVICES
and/or ALLIED UNIVERSAL
SECURITY SERVICES, LLC;
JOHN DOE COURT
OFFICER, individually; and
JANE ROE COURT OFFICER
individually,

Defendants.

**FIEGER, FIEGER, KENNEY
& HARRINGTON, P.C.**

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EX PARTE MOTION TO APPOINT LATOREYA HILL
NEXT FRIEND OF ELG

LATOREYA TILL, through her attorneys, FIEGER, FIEGER, KENNEY & HARRINGTON, P.C. moves this Honorable Court to enter an order appointing her Next Friend of ELG, and states as follows:

1. Plaintiff's counsel has communicated with defense counsel and counsel for Defendant Universal does not oppose this motion.

2. Latoreya Till is the mother of fifteen-year-old minor plaintiff, ELG.

3. ELG does not have a duly appointed personal representative.

4. ELG has nominated her mother, LATOREYA TILL, to act as her Next Friend to pursue this lawsuit.

5. Latoreya Till has accepted the nomination.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order appointing LATOREYA TILL to be Next Friend of ELG.

Respectfully submitted,

/s/ Gary N. Felty, Jr.

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Dated: 10/8/2024

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**BRIEF IN SUPPORT OF EX PARTE MOTION TO APPOINT
LATOREYA HILL NEXT FRIEND OF ELG**

ISSUE PRESENTED

THE ISSUE PRESENTED IS WHETHER THE MINOR'S MOTHER SHOULD
BE APPOINTED NEXT FRIEND.

MOST APPROPRIATE AUTHORITY

THE MOST APPROPRIATE AUTHORITY IS FED. R. CIV. P. 17(c).

**BRIEF IN SUPPORT OF EX PARTE MOTION TO APPOINT
LATOREYA HILL NEXT FRIEND OF ELG**

I. FACTS

Plaintiff ELG has brought state and federal claims against the defendants arising out of her arrest and detention while participating in a field trip. The case was brought pursuant to 42 U.S.C. §1983 for violation of the minor's constitutional rights and state law pursuant to the court's supplemental jurisdiction over her state claims.

ELG is fifteen years old. She has nominated her mother, Latoreya Hill, to be next friend and her mother has accepted. (**Exhibits 1 and 2**). Therefore, plaintiff requests that her mother, Latoreya Till, be appointed to be her next friend.

II. THIS COURT MAY APPOINT A NEXT FRIEND

Fed. R. Civ. P. 17 addresses the capacity to sue. A suit on behalf of a minor may be brought by a general guardian, a committee, a conservator, or a like fiduciary. Fed. R. Civ. P. 17(c)(1). If a minor lacks an appointed personal representative as described above, "[a] minor ... who does not have a duly

appointed personal representative may sue by a next friend or guardian ad litem.” Fed. R. Civ. P. 17(c)(2).

Some courts have held that a parent is a “general guardian” under Fed. R. Civ. P. 17(c)(1). See *In re Brooks*, 683 B.R. 443, 444-445 (W.D. Mich. Bankr. 2018), *Parker v. City of Highland Park*, No. 18-12038, 2018 U.S. Dist. LEXIS 128771 at *2 (E.D. Mich. Aug. 1, 2018); and, *Doe v. Shea*, No. 23-12797, 2023 WL 7993436 at *1-2 (E.D. Mich. Nov. 17, 2023). “The decision as to whether to appoint a next friend or guardian ad litem rests with the sound discretion of the district court and will not be disturbed unless there has been an abuse of its authority.” *In re Kloian*, 179 Fed. Appx. 262, 265 (6th Cir. 2006), (quoting *Gardner v. Parson*, 874 F.2d 131, 140 (3d Cir. 1989).

In this matter, the proposed next friend is the minor’s mother. The minor nominated her mother to be next friend. Latoreya Hill has accepted the nomination.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an order appointing LATOREYA TILL to be Next Friend of ELG.

Respectfully submitted,

/s/ Gary N. Felty, Jr.

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